



US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: 4 August 2005  
Comment Deadline: 3 September 2005  
Corps Action ID #: 200531834

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received a request from the Water and Sewer Authority of Cabarrus County (WSACC) to modify the Department of the Army (DA) permit authorizing construction of Lake Don T. Howell (Formerly Coddle Creek Reservoir), Cabarrus County, North Carolina. This Public Notice is also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Water & Sewer Authority of Cabarrus County  
Mr. Ray Furr  
P.O. Box 428  
Concord, NC 28026-0428

## Authority

The Corps will evaluate this request and decide whether to modify the existing DA permit more fully described below, pursuant to applicable procedures under Section 404 of the Clean Water Act (33 USC 1344).

## Location and Purpose

The U.S. Army Corps of Engineers, Wilmington District, authorized the construction of a water supply reservoir known as Lake Don T. Howell (formerly known as the Coddle Creek Reservoir) on October 30, 1990. The reservoir is located on the north side of NC Hwy 73 (Davidson Highway), on Coddle Creek, west of Concord, in Cabarrus County, North Carolina (35.4365953°N -80.6976118°W). The WSACC operates the facility and is requesting a modification to the water release requirements as required in the original permit authorization.

## Existing Site Conditions and Project Description

Special condition 6 of the existing DA permit requires a minimum water release of 6.0 cubic feet per second (cfs) during drought conditions. WSACC is currently considering revising water release schedules at Lake Don T. Howell due to the severity of recent droughts which has resulted in record low stream flows, low reservoir levels, implementation of water restrictions, and utilization of emergency water supplies from water sources outside Cabarrus County. WSACC is proposing to implement the water release schedule outlined in the *Safe Yield Update and Regional Drought Operations Plan* (Black & Veatch, 2004). The plan presents a tiered water release schedule based upon existing weather conditions. Please contact Mr. Ray Furr of the Water & Sewer Authority of Cabarrus County for a copy of the complete document. The following table is a summary of information found in the plan and was provided by the North

Carolina Department of Environment & Natural Resources, Division of Water Resources during their review.

Stage	Minimum Release (cfs)	Amount of Usable Storage Remaining in Lake	Water Withdrawal Reduction
Normal	6.0	>70%	0
1	3.0	>70%	10%
2	2.0	60% - 70%	10%
3	2.0	40% - 60%	20%
4	2.0	30% - 50%	25%

As a condition of this tiered release, WSACC will notify the Division of Water Resources and the Division of Water Quality when the reservoir transitions from one operational stage to another. The Division of Water Quality shall be consulted to determine if any additional downstream water quality monitoring needs to be conducted during any periods of reduced minimum release. The requirements for water withdrawals shall comply with 15A NCAC 2k.0502(6)(D through F). When the reservoir is operating at below normal release levels, WSACC shall submit reports of daily withdrawals and minimum releases to Division of Water Resources every two weeks until reservoir levels return to normal.

#### **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will not make a final decision to modify the subject permit until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by September 3, 2005.

#### **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

## **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

## **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

## **Evaluation**

The decision whether to modify this permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

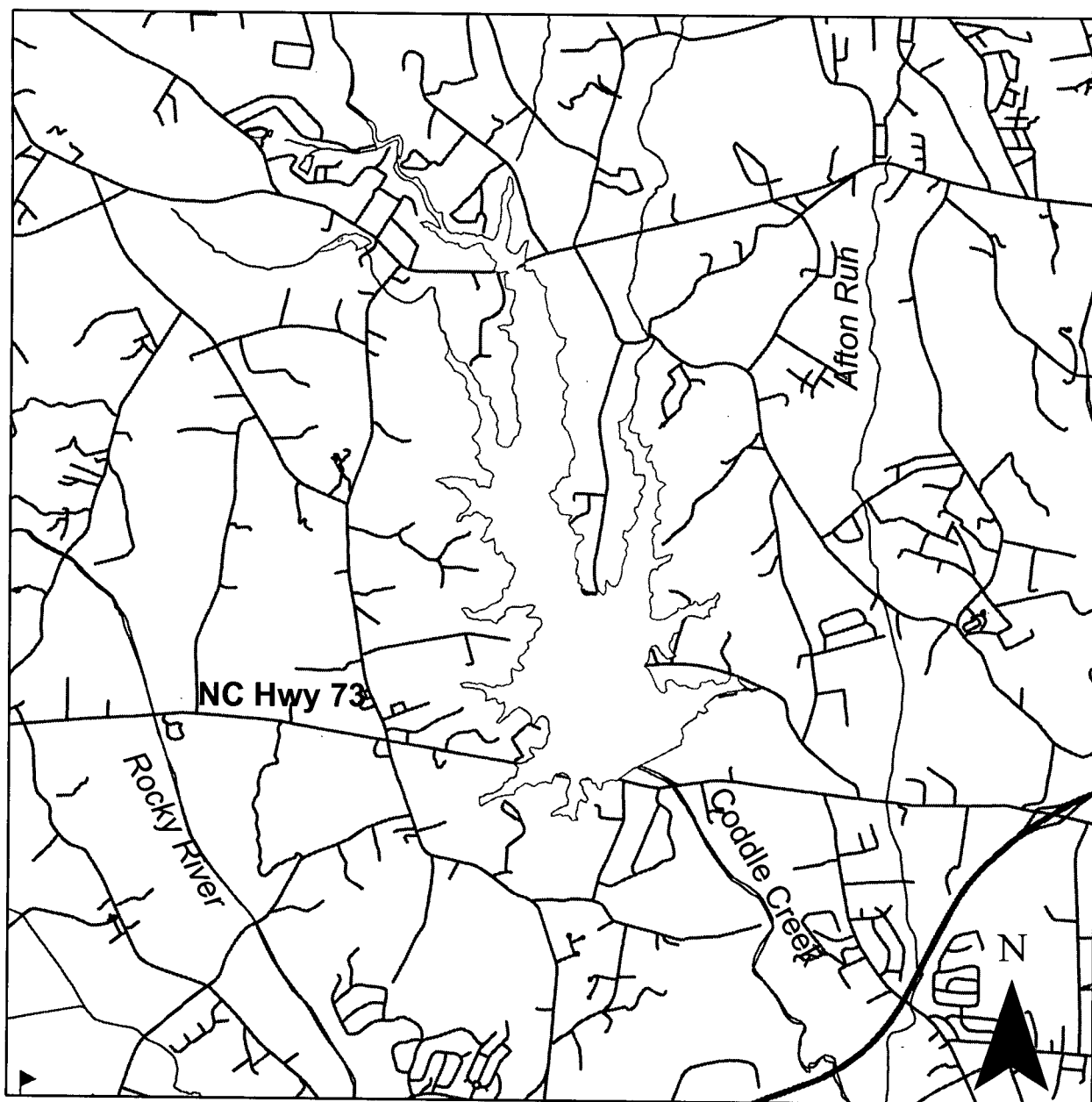
## **Commenting Information**

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to modify the existing permit. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, September 3, 2005. Comments should be submitted to Ms. Amanda Jones, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, NC 28801.

AID: 200531834



**Legend**

- Roads
- Streams
- Lake Dan T. Howell

0 1 2 4 Miles